

Notice of Allowability

Application No.

10/658,387

Examiner

Alan Diamond

Applicant(s)

MAKITA ET AL.

Art Unit

1753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE filed 01/27/2005, and the preliminary amendment filed 02/23/2005.
2. ☒ The allowed claim(s) is/are 1-9, 11 and 12.
3. ☒ The drawings filed on 07 September 2004 and 10 September 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: Solow (U.S. Patent 2,823,245) no longer anticipates or renders obvious the solar cell module-mounting structure of instant claim 1 and its dependent claims. The three solar cell modules (11) in Solow's Figure 1 each has an edge of its respective base i.e., of its respective plate-shaped member (12) in direct contact with the installation surface (10). The instant first support member for a given Solow module (11) would have to be the module (11) to the immediate right of the given module, or would have to be the spacer (18). The module (11) to the immediate right, or the spacer (18), is in contact with the surface of the base (12) of said given module (11) at the side opposite to the solar cell module-fixing surface of said base (12) of said given module. Either the solar cell module (11) to the immediate left of said given module, or the spacer (17), would then have to be the instant second support member. However, the side surface of said plate-shaped member (12) of said given module (11) that is disposed between the solar cell module fixing surface and the surface opposite thereto is not in direct contact with said solar cell module (11) to the immediate left of said given module, nor in direct contact with the spacer (17). It is the conductive layer (15) of said given module at the top of the solar cell module-fixing surface of said given module that is in direct contact with the solar cell module (11) to the immediate left of said given module, or in direct contact with the spacer (17). Note that instant claim 1 now requires that a side surface of the plate-shaped member disposed between the solar cell module-fixing surface and

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the surface opposite thereto has a part in direct contact with the second support member.

Ohtsuka et al (U.S. Patent 5,651,837) and JP 10-212805 are both of record in the instant application and are of the same patent family. Figure 4 of Ohtsuka et al is pertinent (see also col. 14, lines 18-31). While it is true that Ohtsuka et al's solar cell module (401) has an edge in direct contact with support surface (406), Ohtsuka et al lacks the instant requirement of a side surface of the plate-shaped member disposed between the solar cell module-fixing surface and the surface opposite thereto has a part in direct contact with the second support member. For example, a skilled artisan would not consider Ohtsuka et al's fixing member (407) to be in direct contact, or for that matter in any contact, with a side surface of a plate-shaped member disposed between the solar cell module-fixing surface and the surface opposite thereto.

In EP 858115 (already of record), Figures 8 and 13 are also pertinent to the instant claims. However, like Ohtsuka et al, EP 858115 lacks the instant requirement of a side surface of the plate-shaped member disposed between the solar cell module-fixing surface and the surface opposite thereto has a part in direct contact with the second support member.

An example of the instant invention can be seen in Figure 5, which shows installation surface (805), plate-shaped member (102b), solar cell module (101), first support member (103) (i.e., the support member (103) at the left side of Figure 5) and a second support member (i.e., the support member that is not labeled with a reference number and is below reference sign (106)).

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The following U.S. patents and U.S. patent application publications are hereby made of record: 2003/0075211, 6,703,555, 6,803,515, 6,818,820, and 2005/0034753.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Diamond whose telephone number is 571-272-1338. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alan Diamond
Primary Examiner
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A handwritten signature in black ink, appearing to read 'Alan Diamond', with a stylized flourish at the end.

Alan Diamond
March 4, 2005